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ORIGINAL FILED
Superior Court of California
County of Los Angeles

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County of Los Angeles

AUG 25 2014

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AUG 25 2014 Sherri R. Carter, Executive Officer/Clerk

By Sherri R. Carter, Executive Officer/Clerk
By Cristina Grijalva, Deputy

Attorneys for PLAINTIFF PIERRE DANIEL

D73 Rafael Ong Keko

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

PIERRE DANIEL,

Plaintiff,

vs.

ICM PARTNERS;
EFS ENTERTAINMENT;
IM GLOBAL, OCTANE DIVISION;
MARLON WAYANS, an individual; and
DOES 1 THROUGH 100, inclusive

Defendants

-) Case No.: **BC 555 610**
)
) **COMPLAINT FOR DAMAGES**
)
) **(1) RACE/NATIONAL ORIGIN**
) **HARASSMENT IN VIOLATION OF**
) **CAL. GOV. CODE §§ 12940 ET SEQ.;**
)
) **(2) RACE/NATIONAL ORIGIN**
) **DISCRIMINATION IN VIOLATION**
) **OF CAL. GOV. CODE §§ 12940 ET**
) **SEQ.;**
)
) **(3) RACE/NATIONAL ORIGIN**
) **RETALIATION IN VIOLATION OF**
) **CAL. GOV. CODE §§ 12940 ET SEQ.;**
)
) **(4) VIOLATION OF THE UNRUH CIVIL**
) **RIGHTS ACT, CAL. CIVIL CODE §**
) **51;**
)
) **(5) VIOLATION OF CALIFORNIA**
) **CIVIL CODE § 3344**
)
) **(6) APPROPRIATION OF NAME**
) **LIKENESS;**
)
) **(7) INVASION OF PRIVACY OF FALSE**
) **LIGHT;**

CIT/CASE: BC555610
LEA/DEF#:

RECEIPT #: CCH195700034
DATE PAID: 8/25/14 04:19 PM
PAYMENT: \$435.00
RECEIVED: 310
CASH: \$435.00
CHECK: \$0.00
CHRG: \$0.00
PRO: \$0.00

I
COMPLAINT FOR DAMAGES

1)
2) (8) BREACH OF QUASI CONTRACT;

3)
4) (9) UNJUST ENRICHMENT;

5)
6) (10) INTENTIONAL INFLICTION OF
7) EMOTIONAL DISTRESS;

8)
9) (11) RETALIATION AND WRONGFUL
10) TERMINATION IN VIOLATION OF
11) PUBLIC POLICY;

12)
13) (12) FAILURE TO PROVIDE
14) EMPLOYEE PERSONNEL FILES,
15) VIOLATION OF CAL. LABOR
16) CODE §§ 432, 1198.5;

17)
18) (13) FAILURE TO PROVIDE WAGE &
19) HOUR STATEMENTS, VIOLATION
20) OF CAL. LABOR CODE § 226.

21)
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28) JURY TRIAL DEMANDED

COMES NOW PLAINTIFF PIERRE DANIEL (hereinafter referred to as "DANIEL" or "Plaintiff") and complains against the above-named Defendants and for causes of action against the Defendants, and each of them, as follows:

I.

FIRST CAUSE OF ACTION

For Race/National Origin Harassment in Employment

[California Government Code §§ 12940 et seq.]

Against All Defendants & DOES 1 Through 100, Only

1. At all times mentioned herein, Plaintiff was, and now is, an individual residing in the County of Los Angeles, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, Defendant ICM PARTNERS, (hereinafter collectively with all other Defendants as "Defendants") was, and now is, a valid business and/or government entity and/or political subdivisions thereof of form unknown duly organized and existing under the laws of the State of

1 California, having its principal place of business in the County of Los Angeles, State of
2 California.

3 3. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
4 Defendant EFS ENTERTAINMENT, (hereinafter collectively with all other Defendants as
5 "Defendants") was, and now is, a valid business and/or government entity and/or political
6 subdivisions thereof of form unknown duly organized and existing under the laws of the State of
7 California, having its principal place of business in the County of Los Angeles, State of
8 California.

9 4. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
10 Defendants IM GLOBAL, OCTANE DIVISION, (hereinafter referred to as "IM GLOBAL" and
11 collectively with all other Defendants as "Defendants") was, and now is, a valid business and/or
12 government entity and/or political subdivisions thereof of form unknown duly organized and
13 existing under the laws of the State of California, having its principal place of business in the
14 County of Los Angeles, State of California.

15 5. At all times mentioned herein, Defendant MARLON WAYANS (hereinafter referred to
16 as "Wayans" and collectively with all other Defendants as "Defendants"), was, and now is, an
17 individual residing in the County of Los Angeles, State of California, and was a Manager,
18 Officer, Shareholder, Director, Supervisor, Manager, Managing Agent, Owner, Principal and/or
19 Employee of Defendants, and each of them, and DOES 1-100.

20 6. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,
21 individual, or otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, and
22 therefore sues said Defendants by such fictitious names. Plaintiff will seek leave of Court to
23 amend this Complaint to assert the true names and capacities of the fictitiously named
24 Defendants when the same have been ascertained. Plaintiff is informed and believes, and thereon
25 alleges, that each Defendant designated as "DOES" herein is legally responsible for the events,
26 happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter alleged and
27 caused injuries and damages proximately thereby to the Plaintiff, as hereinafter alleged.
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1 7. Plaintiff was employed by Defendants EFS, ICM Partners and IM Global as an actor for
2 an upcoming film production entitled, "Haunted House 2."

3 8. At all times relevant herein, Plaintiff was an African-American employee and within a
4 protected class covered by Cal. Government Code § 12940, prohibiting race/national origin
5 harassment in employment.

6 9. On a severe and/or pervasive basis beginning on or about September 4, 2013, and
7 continuing at least through August 25, 2014, and continuing thereafter, Defendants, including
8 Defendant Wayans, and DOES 1 through 100, and each of them, harassed Plaintiff due to and
9 substantially motivated by Plaintiff's race/national origin (African-American) and subjected him
10 to a hostile work environment, through the following, among others:

11 a) Throughout his employment, Plaintiff was subjected to offensive and derogatory
12 language regarding his race/national origin (African-American) by the producer of the
13 film, Defendant Wayans.

14 b) For example, Defendant Wayans repeatedly referred to Plaintiff, in a demeaning
15 manner, as "Nigga," a derogatory term and racial slur used to refer to African-Americans.

16 c) Additionally, Defendant Wayans harassed Plaintiff based on his race/national
17 origin by repeatedly mocking Plaintiff's "afro," a thick hairstyle with very tight curls that
18 sticks out around the head, like the natural hair of some African-Americans.

19 d) Further, Defendant Wayans also mocked Plaintiff based on his race/national
20 origin as he repeatedly and negatively referred to Plaintiff as "Cleveland Brown," an
21 African-American cartoon character in the adult cartoon comedy series "Family Guy."

22 e) Defendant Wayans also routinely leered, stared, and/or rolled his eyes at Plaintiff.

23 f) On numerous occasions, Defendant Wayans also ridiculed Plaintiff in the
24 presence of other crewmembers as he would leer at Plaintiff and then begin laughing.

25 g) Defendant Wayans further harassed Plaintiff and took his picture without
26 Plaintiff's consent.

27 h) Moreover, on or about September 4, 2013, Defendant Wayans egregiously posted
28 Plaintiff's photograph on the internet. Specifically, Defendant Wayans took a picture of

1 Plaintiff without his knowledge and, without his consent, posted it to Defendants'
2 websites alongside a photograph of popular African-American cartoon character,
3 "Cleveland Brown" with the inappropriate caption, "Tell me this nigga don't look like ...
4 THIS NIGGA!!! Ol cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm
5 hurtin!"

6 i) Defendants treated Plaintiff differently, disparately, and negatively because of his
7 race/national origin, including making demeaning, abusive, and derogatory comments
8 and gestures.

9 j) Defendants failed to offer Plaintiff other job opportunities and/or employment.

10 10. Plaintiff engaged in legally protected activity by complaining about and protesting
11 against the race/national origin harassment he was subjected to.

12 11. Plaintiff protested against and complained to Defendant Wayans about the racially
13 inappropriate comments.

14 12. Plaintiff also protested the unlawful behavior as he turned and walked away when
15 Defendant Wayans would harass him based on his race/national origin.

16 13. However, Defendants failed to take any corrective or remedial measures and/or
17 investigate.

18 14. In doing the acts alleged herein, Defendants and DOES 1 through 100, and each of them,
19 were substantially motivated by Plaintiff's race/national origin.

20 15. The acts and conduct of Defendants and DOES 1 through 100, and each of them, as
21 aforesaid, were in violation of California Government Code §§ 12940 et seq. Said statutes
22 impose certain duties upon Defendants, and each of them, concerning harassment against
23 persons, such as Plaintiff, on the basis of race/national origin harassment. Said statutes were
24 intended to prevent the type of injury and damage herein set forth. Plaintiff was, at all times
25 material hereto, an African-American employee, and within a protected class covered by Cal.
26 Government Code § 12940, prohibiting race/national origin harassment in employment.

27 16. By the acts and conduct described above, Defendants and DOES 1 through 100, and each
28 of them, in violation of said statutes, knew about, or should have known about, and failed to

1 investigate and/or properly investigate, prevent or remedy the race/national origin harassment.
2 The acts of harassment described herein were sufficiently pervasive so as to alter the conditions
3 of employment, and created an abusive working environment. When Plaintiff was harassed,
4 Plaintiff's race/national origin was a substantial motivating factor in Defendants' conduct.

5 17. As a result, Plaintiff filed timely charges and complaints of race/national origin
6 harassment with the California Department of Fair Employment and Housing and has received
7 Notice(s) of Right to Sue in a California Superior Court pursuant to California Government Code
8 § 12965(b). Plaintiff has therefore exhausted Plaintiff's administrative remedies under the Cal.
9 Government Code. Attached hereto and incorporated herein as Exhibit "A" are said Complaints
10 and by reference hereto are made a part hereof. Attached hereto and incorporated herein as
11 Exhibit "B" are said Right to Sue Notices and by reference hereto are made a part hereof.

12 18. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
13 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
14 internally and externally, and suffered, among other things, numerous internal injuries, severe
15 fright, shock, pain, discomfort and/or anxiety.

16 19. As a further legal result of the acts and omissions of Defendants and DOES 1 through
17 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
18 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
19 that he will in the future be forced to incur additional expenses of the same nature, all in an
20 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
21 of said expenses at the time of trial.

22 20. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
23 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
24 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
25 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
26 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
27 court to show the total amount of loss of earnings at the time of trial.
28

1 21. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
2 through 100, Plaintiff has been caused, and did suffer, and continues to suffer severe and
3 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
4 pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently
5 unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

6 22. The aforementioned acts of Defendants and DOES 1 through 100, and each of them, were
7 willful, wanton, malicious, intentional, oppressive and/or despicable and were done in willful
8 and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by
9 managerial agents and employees of Defendants EFS, ICM Partners and IM Global, and with the
10 express knowledge, consent, and ratification of managerial agents and employees of Defendants
11 EFS, ICM Partners and IM Global and DOES 1 through 100, thereby justifying the awarding of
12 punitive and exemplary damages in an amount to be determined at the time of trial pursuant to
13 Cal. Civil Code § 3294(a) and (b).

14 23. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
15 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
16 California Civil Code § 3333 including, but not limited to, loss of earnings and future earning
17 capacity, medical and related expenses for care and procedures both now and in the future,
18 attorneys' fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will
19 seek leave of court to amend when ascertained.

20 24. As a result of the harassing acts of Defendants and DOES 1 through 100, and each of
21 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
22 specifically provided in California Government Code § 12965(b).

23 25. FEHA also provides remedies, including but not limited to, declaratory and injunctive
24 relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as a result of
25 Defendants' unlawful conduct.

26 26. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

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II.

SECOND CAUSE OF ACTION

For Race/National Origin Discrimination in Employment

[California Government Code §§ 12940 et seq.]

Against Defendants EFS, ICM Partners, IM Global & DOES 1 Through 100, Only

27. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as though duly set forth in full herein.

28. Plaintiff was treated differently in the terms and conditions of his employment due to his race/national origin (African-American).

29. At all times relevant herein, Plaintiff was an African-American employee and within a protected class covered by Cal. Government Code § 12940, prohibiting race/national origin discrimination in employment.

30. At all times relevant herein, Plaintiff was qualified for and competently performed the position he held throughout his employment with Defendants EFS, ICM Partners and IM Global.

31. Beginning on or about September 4, 2013, and continuing at least through August 25, 2014, and continuing, Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, and each of them, subjected Plaintiff to the following discriminatory and/or adverse employment actions due to and substantially motivated by Plaintiff's race/national origin, among others:

- a) Defendants treated Plaintiff differently, disparately, and negatively because of his race/national origin, including making demeaning, abusive, and derogatory comments and gestures, and denying Plaintiff opportunities.
- b) Throughout his employment, Plaintiff was discriminated against and subjected to offensive and derogatory language regarding his race/national origin (African-American) by the producer of the file, Defendant Wayans.
- c) For example, Defendant Wayans repeatedly referred to Plaintiff, in a demeaning manner, as "Nigga," a derogatory term and racial slur used to refer to African-Americans.
- d) Additionally, Defendant Wayans discriminated against Plaintiff based on his race/national origin by repeatedly mocking Plaintiff's "afro," a thick hairstyle with very

1 tight curls that sticks out around the head, like the natural hair of some African-
2 Americans.

3 e) Further, Defendant Wayans also discriminated against Plaintiff based on his
4 race/national origin as he repeatedly and negatively referred to Plaintiff as "Cleveland
5 Brown," an African-American cartoon character in the adult cartoon comedy series
6 "Family Guy."

7 f) Despite Plaintiff's numerous protests against Defendant Wayans' unlawful
8 behavior, Defendants failed to take any corrective or remedial actions and failed to
9 investigate.

10 g) Defendant Wayans also routinely leered, stared, and/or rolled his eyes at Plaintiff.

11 h) On numerous occasions, Defendant Wayans ridiculed Plaintiff in the presence of
12 other crewmembers as he would leer at Plaintiff and then begin laughing.

13 i) Defendant Wayans further discriminated against Plaintiff and took his picture
14 without Plaintiff's consent and/or knowledge.

15 j) Moreover, on or about September 4, 2013, Defendant Wayans egregiously posted
16 Plaintiff's photograph on the internet. Specifically, Defendant Wayans took a picture of
17 Plaintiff and, without his consent or knowledge, posted it to Defendants' website(s)
18 alongside a photograph of popular African-American cartoon character "Cleveland
19 Brown" with the inappropriate caption, "Tell me this nigga don't look like ... THIS
20 NIGGA!!! Ol cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

21 k) Defendants failed to offer Plaintiff other job opportunities and/or employment.

22 32. Plaintiff engaged in legally protected activity by complaining about and protesting
23 against the race/national origin discrimination he was subjected to.

24 33. Plaintiff protested against and complained to Defendant Wayans about the racially
25 inappropriate comments.

26 34. Plaintiff also protested the unlawful behavior as he turned and walked away when
27 Defendant Wayans would harass him based on his race/national origin.
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1 35. However, Defendants failed to take any corrective or remedial measures and/or
2 investigate.

3 36. In doing the acts alleged herein, Defendants EFS, ICM Partners and IM Global and
4 DOES 1 through 100, and each of them, were substantially motivated by Plaintiff's race/national
5 origin.

6 37. Plaintiff is informed, believes, and herein alleges that other non-African-American
7 employees were not similarly subjected to such disparate working terms and conditions, as
8 aforesaid.

9 38. The aforesaid acts and omissions demonstrate Defendants' discriminatory animus against
10 Plaintiff based on his race/national origin.

11 39. The acts and conduct of Defendants EFS, ICM Partners and IM Global and DOES 1
12 through 100, and each of them, as aforesaid, were in violation of California Government Code §§
13 12940 et seq. Said statutes impose certain duties upon Defendants, and each of them, concerning
14 discrimination against persons, such as Plaintiff, on the basis of race/national origin and the
15 prohibition of race/national origin discrimination. Said statutes were intended to prevent the type
16 of injury and damage herein set forth. Plaintiff was, at all times material hereto, an African-
17 American employee and within a protected class covered by Cal. Gov. Code § 12940.

18 40. By the acts and conduct described above, Defendants EFS, ICM Partners and IM Global
19 and DOES 1 through 100, and each of them, in violation of said statutes, knew about, or should
20 have known about, and failed to investigate and/or properly investigate, prevent or remedy the
21 race/national origin discrimination. The acts of discrimination described herein were sufficiently
22 pervasive so as to alter the conditions of employment, and created an abusive working
23 environment. When Plaintiff was discriminated against, Plaintiff's race/national origin was a
24 substantial motivating reason and/or factor in Defendants EFS, ICM Partners and IM Global's
25 conduct.

26 41. As a result, Plaintiff filed timely charges and complaints of race/national origin
27 discrimination with the California Department of Fair Employment and Housing and has
28 received Notice(s) of Right to Sue in a California Superior Court pursuant to California

1 Government Code § 12965(b). Plaintiff has therefore exhausted his administrative remedies
2 under the California Government Code. Attached hereto and incorporated herein as Exhibit "A"
3 are said Complaints and by reference hereto are made a part hereof. Attached hereto and
4 incorporated herein as Exhibit "B" are said Right to Sue Notices and by reference hereto are
5 made a part hereof.

6 42. As a direct and legal result of the acts and omissions of Defendants EFS, ICM Partners
7 and IM Global and DOES 1 through 100, and each of them, Plaintiff was rendered sick, sore,
8 lame, disabled and/or disordered, both internally and externally, and suffered, among other
9 things, numerous internal injuries, severe fright, shock, pain, discomfort and/or anxiety.

10 43. As a further legal result of the acts and omissions of Defendants EFS, ICM Partners and
11 IM Global and DOES 1 through 100, and each of them, Plaintiff has been forced and/or will be
12 forced to incur expenses for medical care, X-rays, and/or laboratory costs, and is informed and
13 believes, and thereon alleges, that he will in the future be forced to incur additional expenses of
14 the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court
15 to show the exact amount of said expenses at the time of trial.

16 44. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
17 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
18 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
19 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
20 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
court to show the total amount of loss of earnings at the time of trial.

21 45. As a further direct and legal result of the acts and conduct of Defendants EFS, ICM
22 Partners and IM Global and DOES 1 through 100, as aforesaid, Plaintiff has been caused, and
23 did suffer, and continues to suffer severe and permanent emotional and mental distress and
24 anguish, humiliation, embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact
25 nature and extent of said injuries is presently unknown to Plaintiff, who will pray leave of court
26 to assert the same when they are ascertained.

1 46. The acts of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, and
2 each of them, were willful, wanton, malicious, intentional, oppressive and/or despicable and
3 were done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, and
4 were done by managerial agents and employees of Defendants EFS, ICM Partners and IM
5 Global, and with the express knowledge, consent, and ratification of managerial agents and
6 employees of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, thereby
7 justifying the awarding of punitive and exemplary damages in an amount to be determined at the
8 time of trial pursuant to Cal. Civil Code § 3294(a) and (b).

9 47. By the aforesaid acts and conduct of Defendants EFS, ICM Partners and IM Global and
10 DOES 1 through 100, and each of them, Plaintiff has been directly and legally caused to suffer
11 actual damages pursuant to California Civil Code § 3333 including, but not limited to, loss of
12 earnings and future earning capacity, medical and related expenses for care and procedures both
13 now and in the future, attorneys' fees, and/or other pecuniary loss not presently ascertained, for
14 which Plaintiff will seek leave of court to amend when ascertained.

15 48. As a result of the discriminatory acts of Defendants EFS, ICM Partners and IM Global
16 and DOES 1 through 100, and each of them, as alleged herein, Plaintiff is entitled to reasonable
17 attorneys' fees and costs of said suit as specifically provided in California Government Code §
18 12965(b).

19 49. FEHA also provides remedies, including but not limited to, declaratory and injunctive
20 relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as a result of
21 Defendants' unlawful conduct.

22 50. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

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III.

THIRD CAUSE OF ACTION

For Race/National Origin Retaliation in Employment

[California Government Code §§ 12940 et seq.]

Against Defendants EFS, ICM Partners, IM Global & DOES 1 Through 100, Only

51. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as though duly set forth in full herein.

52. Plaintiff engaged in legally protected activity by complaining about and/or protesting against the harassing and discriminatory conduct he was subjected to based on his race/national origin (African-American), as well as the hostile work environment he was forced to work in.

53. Additionally, Plaintiff protested against and complained to Defendant Wayans about the racially inappropriate comments.

54. Plaintiff also protested the unlawful behavior as he turned and walked away when Defendant Wayans would harass and discriminate against him based on his race/national origin.

55. However, Defendants failed to take any corrective or remedial measures and/or investigate.

56. Defendants subsequently retaliated against Plaintiff based, at least in part, on his complaints by continually participating in unlawful conduct and making inappropriate comments, including but not limited to:

a) Defendants treated Plaintiff differently, disparately, and negatively because of his race/national origin complaints, including making demeaning, abusive, and derogatory comments and gestures, and denying Plaintiff opportunities.

b) In retaliation to Plaintiff's protests, Defendant Wayans continued to refer to Plaintiff, in a demeaning manner, and on a repeated basis, as "Nigga," a derogatory term and racial slur used to refer to African-Americans.

c) In further retaliation, Defendant Wayans also continued to mock Plaintiff for his "afro" (a thick hairstyle with very tight curls that sticks out around the head, like the natural hair of some African-Americans) based on his race/national origin.

1 d) Further, Defendant Wayans also retaliated against Plaintiff based on his
2 race/national origin as he repeatedly and negatively referred to Plaintiff as "Cleveland
3 Brown," an African-American cartoon character in the adult cartoon comedy series
4 "Family Guy."

5 e) Despite Plaintiff's numerous protests against Defendant Wayans' unlawful
6 behavior, Defendants failed to take any corrective or remedial actions.

7 f) Defendant Wayans also routinely leered, stared, and/or rolled his eyes at Plaintiff.

8 g) On numerous occasions, Defendant Wayans also ridiculed Plaintiff in the
9 presence of other crewmembers as he would leer at Plaintiff and then begin laughing.

10 h) Defendant Wayans further retaliated against Plaintiff and took his picture without
11 Plaintiff's consent and/or knowledge.

12 i) Moreover, on or about September 4, 2013, in retaliation to his
13 complaints/protests, Defendant Wayans egregiously posted Plaintiff's photograph on the
14 internet. Specifically, Defendant Wayans took a picture of Plaintiff and, without his
15 consent or knowledge, posted it to Defendants' website(s) alongside a photograph of
16 popular African-American cartoon character "Cleveland Brown" with the inappropriate
17 caption, "Tell me this nigga don't look like ... THIS NIGGA!!! Ol cleveland Brown ass
18 lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

19 57. Plaintiff also engaged in protected activity by filing charges with the California
20 Department of Fair Employment and Housing on or about July 28, 2014, in which Plaintiff
21 alleged, among other violations of law, harassment, discrimination, and retaliation based on his
22 race/national origin. After Plaintiff filed said charges, he was never re-hired and/or given other
23 employment opportunities with Defendants EFS, ICM Partners and IM Global due to
24 Defendants' race/national origin retaliation.

25 58. Furthermore, Defendants EFS, ICM Partners and IM Global failed to investigate any of
26 Plaintiff's claims.
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1 59. Plaintiff is informed, believes, and herein alleges that other non-African-American
2 employees and/or employees who did not engage in legally protected conduct were not similarly
3 subjected to such working terms and conditions, as aforesaid.

4 60. The aforesaid acts and omissions demonstrate Defendant's retaliatory animus against
5 Plaintiff based on his race/national origin and/or legally protected conduct.

6 61. The acts and conduct of Defendants EFS, ICM Partners and IM Global and DOES 1
7 through 100, and each of them, as aforesaid, were in violation of California Government Code §§
8 12940 et seq. Said statutes impose certain duties upon Defendants, and each of them, concerning
9 retaliation against persons, such as Plaintiff, on the basis of race/national origin, and the
10 prohibition of race/national origin retaliation. Said statutes were intended to prevent the type of
11 injury and damage herein set forth. Plaintiff was, at all times material hereto, an African-
12 American employee who protested/complained and within a protected class covered by
13 California Government Code § 12940, prohibiting race/national origin based retaliation in
14 employment.

15 62. By the acts and conduct described above, Defendants EFS, ICM Partners and IM Global
16 and DOES 1 through 100, and each of them, in violation of said statutes, knew about, or should
17 have known about, and failed to investigate and/or properly investigate, prevent or remedy the
18 race/national origin retaliation. When Plaintiff was retaliated against, Plaintiff's race/national
19 origin and/or complaints/protests about the unlawful conduct were motivating reasons and
20 factors in Defendants EFS, ICM Partners and IM Global's conduct.

21 63. As a result, Plaintiff filed timely charges and complaints of race/national origin
22 retaliation with the California Department of Fair Employment and Housing and has received
23 Notice(s) of Right to Sue in a California Superior Court pursuant to California Government Code
24 § 12965(b). Plaintiff has therefore exhausted Plaintiff's administrative remedies under the Cal.
25 Government Code. Attached hereto and incorporated herein as Exhibit "A" are said Complaints
26 and by reference hereto are made a part hereof. Attached hereto and incorporated herein as
27 Exhibit "B" are said Right to Sue Notices and by reference hereto are made a part hereof.
28

1 64. As a direct and legal result of the acts and omissions of Defendants EFS, ICM Partners
2 and IM Global and DOES 1 through 100, and each of them, Plaintiff was rendered sick, sore,
3 lame, disabled and/or disordered, both internally and externally, and suffered, among other
4 things, numerous internal injuries, severe fright, shock, pain, discomfort and/or anxiety.

5 65. As a further legal result of the acts and omissions of Defendants EFS, ICM Partners and
6 IM Global and DOES 1 through 100, and each of them, Plaintiff has been forced and/or will be
7 forced to incur expenses for medical care, X-rays, and/or laboratory costs, and is informed and
8 believes, and thereon alleges, that he will in the future be forced to incur additional expenses of
9 the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court
10 to show the exact amount of said expenses at the time of trial.

11 66. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
12 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
13 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
14 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
15 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
16 court to show the total amount of loss of earnings at the time of trial.

17 67. The aforementioned acts of Defendants EFS, ICM Partners and IM Global and DOES 1
18 through 100, and each of them, were willful, wanton, malicious, intentional, oppressive and/or
19 despicable and were done in willful and conscious disregard of the rights, welfare and safety of
20 Plaintiff, and were done by managerial agents and employees of Defendants EFS, ICM Partners
21 and IM Global and DOES 1 through 100, and with the express knowledge, consent, and
22 ratification of managerial agents and employees of Defendants EFS, ICM Partners and IM
23 Global and DOES 1 through 100, thereby justifying the awarding of punitive and exemplary
24 damages in an amount to be determined at the time of trial pursuant to Cal. Civil Code § 3294(a)
and (b).

25 68. As a further direct and legal result of the acts and conduct of Defendants EFS, ICM
26 Partners and IM Global and DOES 1 through 100, Plaintiff has been caused, and did suffer, and
27 continues to suffer severe and permanent emotional and mental distress and anguish, humiliation,
28

1 embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of
2 said injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same
3 when they are ascertained.

4 69. By the aforesaid acts and conduct of Defendants EFS, ICM Partners and IM Global and
5 DOES 1 through 100, and each of them, Plaintiff has been directly and legally caused to suffer
6 actual damages pursuant to California Civil Code § 3333 including, but not limited to, loss of
7 earnings and future earning capacity, medical and related expenses for care and procedures both
8 now and in the future, attorneys' fees, and/or other pecuniary loss not presently ascertained, for
9 which Plaintiff will seek leave of court to amend when ascertained.

10 70. As a result of the retaliatory acts of Defendants EFS, ICM Partners and IM Global and
11 DOES 1 through 100, and each of them, as alleged herein, Plaintiff is entitled to reasonable
12 attorneys' fees and costs of said suit as specifically provided in California Government Code §
13 12965(b).

14 71. FEHA also provides remedies, including but not limited to, declaratory and injunctive
15 relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as a result of
16 Defendants' unlawful conduct.

17 72. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

18 IV.

19 **FOURTH CAUSE OF ACTION**

20 **For Violation of the Unruh Civil Rights Act**

21 **[Cal. Civil Code §§ 51 et seq.]**

22 **Against All Defendants & DOES 1 Through 100, Only**

23 73. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
24 though duly set forth in full herein.

25 74. Defendants and DOES 1 through 100, as business establishments, violated the Unruh
26 Civil Rights Act as they discriminated against Plaintiff due to his race/national origin.

27 75. Defendants denied, discriminated, and/or made a distinction that denied full and equal
28 accommodations, advantages, facilities, privileges, and/or services to Plaintiff.

1 76. After Plaintiff complained of race/national origin harassment and discrimination, he was
2 not brought back or given additional employment and/or other work opportunities by
3 Defendants.

4 77. A motivating reason for Defendants' conduct was its perception of Plaintiff's
5 race/national origin and or due to Plaintiff's race/national origin.

6 78. Defendants intentionally discriminated against Plaintiff due to his race/national origin,
7 and denied Plaintiff full and equal access, accommodations, the advantages, facilities, privileges,
8 and/or services offered by Defendants through the following, among others:

9 a) Defendant Wayans repeatedly referred to Plaintiff, in a demeaning manner, as
10 "Nigga," a derogatory term and racial slur used to refer to African-Americans.

11 b) Additionally, Defendant Wayans harassed Plaintiff based on his race/national
12 origin by repeatedly mocking Plaintiff's "afro," a thick hairstyle with very tight curls that
13 sticks out around the head, like the natural hair of some African-Americans.

14 c) Further, Defendant Wayans also mocked Plaintiff based on his race/national
15 origin as he repeatedly and negatively referred to Plaintiff as "Cleveland Brown," an
16 African-American cartoon character in the adult cartoon comedy series "Family Guy."

17 d) Defendant Wayans also routinely leered, stared, and/or rolled his eyes at Plaintiff.

18 e) On numerous occasions, Defendant Wayans also ridiculed Plaintiff in the
19 presence of other crewmembers as he would leer at Plaintiff and then begin laughing.

20 f) Defendant Wayans further discriminated against Plaintiff and took his picture
21 without Plaintiff's consent or knowledge.

22 g) Moreover, on or about September 4, 2013, Defendant Wayans egregiously posted
23 Plaintiff's photograph on the internet. Specifically, Defendant Wayans took a picture of
24 Plaintiff and, without his consent or knowledge, posted it to Defendants' website(s)
25 alongside a photograph of popular African-American cartoon character "Cleveland
26 Brown" with the inappropriate caption, "Tell me this nigga don't look like ... THIS
27 NIGGA!!! Ol cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"
28

1 79. Despite Plaintiff's complaints and/or protests, Defendants failed to take any corrective or
2 remedial measures to remedy the racist actions and, instead, ratified and condoned it.

3 80. Plaintiff was harmed as a result of Defendants' unlawful actions

4 81. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

5 82. Through their conduct, Defendants and DOES 1 through 100, and each of them, were in
6 violation of California Civil Code § 51 ("Unruh"), which declares that all persons are free and
7 equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability,
8 medical condition, genetic information, marital status, or sexual orientation are entitled to the full
9 and equal accommodations, advantages, facilities, privileges, or services in all business
10 establishments of every kind whatsoever.

11 83. As a business establishment pursuant to the Unruh, Defendants were under an obligation
12 not to discriminate against an individual, including Plaintiff, based on a protected class --
13 race/national origin.

14 84. By engaging in conduct whereby Defendants condoned and/or ratified, intimidated,
15 harassed, verbally abused, and/or discriminated against Plaintiff due to his race/national origin,
16 Defendants were in violation of the Unruh.

17 85. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
18 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
19 internally and externally, and/or suffered, among other things, numerous internal injuries, severe
20 fright, shock, pain, discomfort and/or anxiety.

21 86. As a further legal result of the acts and omissions of Defendants and DOES 1 through
22 100, and each of them, Plaintiff has been forced to incur expenses for medical care, X-rays,
23 and/or laboratory costs, and is informed and believes, and thereon alleges, that he will in the
24 future be forced to incur additional expenses of the same nature, all in an amount which is at
25 present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at
26 the time of trial.

27 87. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
28 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and

1 believes, and thereon alleges, that Plaintiff will be incapacitated and/or unable to perform
2 Plaintiff's usual work for an indefinite period of time in the future, all to Plaintiff's damage in an
3 amount which is at present unascertained. Plaintiff will pray leave of court to show the total
4 amount of loss of earnings at the time of trial.

5 88. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
6 through 100, Plaintiff has been caused, and did suffer, and/or continues to suffer severe and
7 permanent emotional and/or mental distress and anguish, humiliation, embarrassment, fright,
8 shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently
9 unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

10 89. The acts of Defendants and DOES 1 through 100, and each of them, were willful,
11 wanton, malicious, intentional, oppressive and/or despicable and were done in willful and
12 conscious disregard of the rights, welfare and safety of Plaintiff, thereby justifying the awarding
13 of punitive and exemplary damages against all Defendants in an amount to be determined at the
14 time of trial pursuant to Cal. Civil Code § 3294(a). As alleged herein, Defendants failed to take
15 corrective and/or remedial measures against Defendant Wayans, and instead placed Plaintiff in a
16 position in which he had to work in a hostile work environment. Further, Defendants failed to
17 take any steps to prevent race/national origin-based harassment, discrimination and retaliation
18 from occurring on the movie set.

19 90. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
20 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
21 California Civil Code § 3333 including, but not limited to, loss of earnings and future earning
22 capacity, medical and related expenses for care and procedures both now and in the future,
23 attorney's fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will
24 seek leave of court to amend when ascertained.

25 91. As a result of the unlawful acts of Defendants EFS, ICM Partners and IM Global and
26 DOES 1 through 100, and each of them, as alleged herein, Plaintiff is entitled to reasonable
27 attorneys' fees and costs of said suit as specifically provided in California Code of Civil
28 Procedure § 1021.5. Plaintiff's action enforces important rights affecting the public interest by

1 bringing forth this lawsuit to ensure Defendant EFS refrains from denying, discriminating, and/or
2 making a distinction that denies full and equal accommodations, advantages, facilities,
3 privileges, and/or services to individuals of a protected-class, thereby conferring a significant
4 benefit on the general public's health and well-being as a result. The necessity and financial
5 burden of this private enforcement, as well as the interest of justice, entitles Plaintiff to
6 reasonable attorneys' fees and costs under California Code of Civil Procedure § 1021.5.

7 92. As a result of the discriminatory acts of Defendants and DOES 1 through 100, and each
8 of them, as alleged herein, Plaintiff is also entitled to damages, costs, attorneys' fees, and/or and
9 other relief provided by California Civil Code § 52.

10 93. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

11 V.

12 **FIFTH CAUSE OF ACTION**

13 For Violation of California Civil Code § 3344

14 [Use of Name or Likeness]

15 **Against All Defendants & DOES 1 Through 100, Inclusive**

16 94. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
17 though duly set forth in full herein.

18 95. Defendant Wayans took a picture of Plaintiff and, without his consent or knowledge,
19 posted it to Defendants' website(s) alongside a photograph of popular cartoon character,
20 "Cleveland Brown" with the inappropriate caption, "Tell me this nigga don't look like ... THIS
21 NIGGA!!! Ol cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

22 96. As such, Defendants and each of them knowingly used Plaintiff's name, photograph,
23 and/or likeness to advertise their upcoming movie, Haunted House 2, by posting Plaintiff's
24 photograph on the internet.

25 97. Defendants' use did not occur in connection with a news, public affairs, or sports
26 broadcast or account, or with political campaign.

27 98. Additionally, Defendants did not have Plaintiff's consent to take his picture or post his
28 photograph on the internet.

1 99. Defendants' use of Plaintiff's name, photograph, and/or likeness was directly connected
2 to Defendants' commercial purpose as the insertion of "@ahhmovie 2" is a direct reference to
3 the movie, Haunted House 2, and was done to promote the movie.

4 100. Plaintiff was harmed and has suffered actual damages as a result of Defendants'
5 deliberate use of his name, photograph, and/or likeness on advertisements and/or other types of
6 solicitations for goods or services.

7 101. Each such use was unequivocally and directly for purposes of advertising or selling, or
8 soliciting purchases of products, merchandise, goods or services by Defendants, such that prior
9 consent was required.

10 102. As such, Defendants' conduct was a substantial factor in causing Plaintiff's harm.

11 103. Further, at all times relevant herein, Defendant Wayans was an agent/employee of
12 Defendants EFS, ICM Partners and IM Global, and in doing the acts alleged herein, Defendant
13 Wayans was acting within the course and scope of his employment and/or authority.

14 104. California Civil Code § 3344(a) provides:

15 "Any person who knowingly uses another's name, voice, signature, photograph,
16 or likeness, in any manner, on or in products, merchandise, or goods, or for
17 purposes of advertising or selling, or soliciting purchases of, products,
18 merchandise, goods or services, without such person's prior consent, or, in the
19 case of a minor, the prior consent of his parent or legal guardian, shall be liable
20 for any damages sustained by the person or persons injured as a result thereof. In
21 addition, in any action brought under this section, the person who violated the
22 section shall be liable to the injured party or parties in an amount equal to the
23 greater of seven hundred fifty dollars (\$750) or the actual damages suffered by
24 him or her as a result of the unauthorized use, and any profits from the
25 unauthorized use that are attributable to the use and are not taken into account in
26 computing the actual damages. In establishing such profits, the injured party or
27 parties are required to present proof only of the gross revenue attributable to such
28 use, and the person who violated this section is required to prove his or her
deductible expenses. Punitive damages may also be awarded to the injured party
or parties. The prevailing party in any action under this section shall also be
entitled to attorney's fees and costs."

105. Defendants engaged in outrageous conduct, carried on with willful and conscious
disregard of the rights of Plaintiffs.

1 106. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
2 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
3 internally and externally, and suffered, among other things, numerous internal injuries, severe
4 fright, shock, pain, discomfort and/or anxiety.

5 107. As a further legal result of the acts and omissions of Defendants and DOES 1 through
6 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
7 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
8 that he will in the future be forced to incur additional expenses of the same nature, all in an
9 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
10 of said expenses at the time of trial.

11 108. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
12 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
13 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
14 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
15 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
16 court to show the total amount of loss of earnings at the time of trial.

17 109. The aforementioned acts of Defendants and DOES 1 through 100, and each of them, were
18 willful, wanton, malicious, intentional, oppressive and/or despicable and were done in willful
19 and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by
20 managerial agents and employees of Defendants EFS, ICM Partners and IM Global and DOES 1
21 through 100, and with the express knowledge, consent, and ratification of managerial agents and
22 employees of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, thereby
23 justifying the awarding of punitive and exemplary damages in an amount to be determined at the
24 time of trial pursuant to Cal. Civil Code § 3294(a) and (b).

25 110. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
26 through 100, Plaintiff has been caused, and did suffer, and continues to suffer severe and
27 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
28

1 pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently
2 unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

3 111. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
4 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
5 California Civil Code § 3333 including, but not limited to, loss of earnings and future earning
6 capacity, medical and related expenses for care and procedures both now and in the future,
7 attorneys' fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will
8 seek leave of court to amend when ascertained.

9 112. As a result of the unlawful acts of Defendants EFS, ICM Partners and IM Global and
10 DOES 1 through 100, and each of them, as alleged herein, Plaintiff is entitled to reasonable
11 attorneys' fees and costs of said suit as specifically provided in California Code of Civil
12 Procedure § 1021.5. Plaintiff's action enforces important rights affecting the public interest by
13 bringing forth this lawsuit to ensure Defendants refrain from using another's name and likeness,
14 thereby conferring a significant benefit on the general public's health and well-being as a result.
15 The necessity and financial burden of this private enforcement, as well as the interest of justice,
16 entitles Plaintiff to reasonable attorneys' fees and costs under California Code of Civil Procedure
17 § 1021.5.

18 113. Plaintiff is entitled to all damages, penalties and reasonable attorneys' fees and costs of
19 suit as provided for by California Code of Civil Code § 3344.

20 114. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

21 VI.

22 SIXTH CAUSE OF ACTION

23 **For Appropriation of Name and Likeness Under California Common Law**

24 **Against All Defendants & DOES 1 Through 100, Inclusive**

25 115. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
26 though duly set forth in full herein.

27 116. Defendants violated Plaintiff's right to privacy by using Plaintiff's name, likeness
28 and/or identity.

1 117. Defendants used Plaintiff's name, likeness, or identity without his permission. For
2 example, Defendant Wayans took a picture of Plaintiff and, without his consent or knowledge,
3 posted it to Defendants' website(s) alongside a photograph of popular cartoon character,
4 "Cleveland Brown" with the inappropriate caption, "Tell me this nigga don't look like ... THIS
5 NIGGA!!! Ol cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

6 118. Defendants gained a commercial benefit/advantage by using Plaintiff's name, likeness, or
7 identity. Defendant Wayans' insertion of "@ahhmovie 2" is a direct reference to the movie,
8 Haunted House 2, thereby providing evidence that this post was used for promotional purposes.
9 Therefore, Defendants gained a commercial benefit by using Plaintiff's name, likeness, or
10 identity, as they intended to promote/advertise their upcoming movie, "The Haunted House 2."

11 119. Further, as a result of Defendant Wayans' status as a Hollywood celebrity/actor/star, this
12 post went viral and was viewed by a tremendous amount of people.

13 120. Notably, Cleveland Brown is a character primarily known for having physical and
14 emotional problems in an adult comical cartoon series, "Family Guy." As such, the comparison
15 drew inferences of Plaintiff possessing the same traits as Cleveland Brown.

16 121. As a result of Defendant Wayans' unlawful conduct, Plaintiff's reputation and career
17 have been harmed/damaged and he has had difficulty securing new acting opportunities. As
18 such, Plaintiff was harmed as a result of Defendants' unlawful conduct.

19 122. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

20 123. The privacy interests of Plaintiff outweigh the public interest served by Defendants' use
21 of Plaintiff's name, likeness, or identity

22 124. Further, at all times relevant herein, Defendant Wayans was an agent/employee of
23 Defendants EFS, ICM Partners and IM Global, and in doing the acts alleged herein, Defendant
24 Wayans was acting within the course and scope of his employment and/or authority.

25 125. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
26 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
27 internally and externally, and suffered, among other things, numerous internal injuries, severe
28 fright, shock, pain, discomfort and/or anxiety.

1 126. As a further legal result of the acts and omissions of Defendants and DOES 1 through
2 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
3 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
4 that he will in the future be forced to incur additional expenses of the same nature, all in an
5 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
6 of said expenses at the time of trial.

7 127. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
8 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
9 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
10 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
11 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
12 court to show the total amount of loss of earnings at the time of trial.

13 128. The aforementioned acts of Defendants and DOES 1 through 100, and each of them, were
14 willful, wanton, malicious, intentional, oppressive and/or despicable and were done in willful
15 and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by
16 managerial agents and employees of Defendants EFS, ICM Partners and IM Global and DOES 1
17 through 100, and with the express knowledge, consent, and ratification of managerial agents and
18 employees of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, thereby
19 justifying the awarding of punitive and exemplary damages in an amount to be determined at the
20 time of trial pursuant to Cal. Civil Code § 3294(a) and (b).

21 129. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
22 through 100, Plaintiff has been caused, and did suffer, and continues to suffer severe and
23 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
24 pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently
25 unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

26 130. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
27 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
28 California Civil Code § 3333 including, but not limited to, loss of earnings and future earning

1 capacity, medical and related expenses for care and procedures both now and in the future,
2 attorneys' fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will
3 seek leave of court to amend when ascertained.

4 131. As a result of the unlawful acts of Defendants and DOES 1 through 100, and each of
5 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
6 specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces
7 important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants
8 refrains from appropriating the name and likeness of others, thereby conferring a significant
9 benefit on the general public's health and well-being as a result. The necessity and financial
10 burden of this private enforcement, as well as the interest of justice, entitles Plaintiff to
11 reasonable attorneys' fees and costs under California Code of Civil Procedure § 1021.5.

12 132. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

13 **VII.**

14 **SEVENTH CAUSE OF ACTION**

15 **For Invasion of Privacy of False Light**

16 **Against All Defendants & DOES 1 Through 100, Inclusive**

17 133. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
18 though duly set forth in full herein.

19 134. Defendants violated Plaintiff's right to privacy.

20 135. Defendants publicized information or material that showed Plaintiff in a false light. For
21 example, Defendant Wayans took a picture of Plaintiff and, without his consent or knowledge,
22 posted it to Defendants' website(s) alongside a photograph of popular cartoon character,
23 "Cleveland Brown" with the inappropriate caption, "Tell me this nigga don't look like ... THIS
24 NIGGA!!! OI cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

25 136. Cleveland Brown is a character primarily known for being slow and having physical and
26 emotional problems in an adult comical cartoon series.
27
28

1 137. By referencing Plaintiff as Cleveland Brown, the comparison drew inferences of Plaintiff
2 possessing the same traits as Cleveland Brown, including being slow and having physical and
3 emotional problems, thus showing Plaintiff in a false light.

4 138. Additionally, the false light created by this publication would be highly offensive to a
5 reasonable person in Plaintiff's position.

6 139. Defendants knew the publication would create a false impression about Plaintiff or acted
7 with reckless disregard for the truth.

8 140. Defendants were negligent in determining the truth of the information or whether a false
9 impression would be created by their publication.

10 141. As a result of Defendant Wayans' unlawful conduct, Plaintiff's reputation and career
11 have been harmed/damaged and he has had difficulty securing new acting opportunities. As
12 such, Plaintiff was harmed as a result of Defendants' unlawful conduct.

13 142. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

14 143. Further, at all times relevant herein, Defendant Wayans was an agent/employee of
15 Defendants EFS, ICM Partners and IM Global, and in doing the acts alleged herein, Defendant
16 Wayans was acting within the course and scope of his employment and/or authority.

17 144. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
18 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
19 internally and externally, and suffered, among other things, numerous internal injuries, severe
20 fright, shock, pain, discomfort and/or anxiety.

21 145. As a further legal result of the acts and omissions of Defendants and DOES 1 through
22 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
23 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
24 that he will in the future be forced to incur additional expenses of the same nature, all in an
25 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
26 of said expenses at the time of trial.

27 146. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
28 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and

1 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
2 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
3 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
4 court to show the total amount of loss of earnings at the time of trial.

5 147. The aforementioned acts of Defendants and DOES 1 through 100, and each of them, were
6 willful, wanton, malicious, intentional, oppressive and/or despicable and were done in willful
7 and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by
8 managerial agents and employees of Defendants EFS, ICM Partners and IM Global and DOES 1
9 through 100, and with the express knowledge, consent, and ratification of managerial agents and
10 employees of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, thereby
11 justifying the awarding of punitive and exemplary damages in an amount to be determined at the
12 time of trial pursuant to Cal. Civil Code § 3294(a) and (b).

13 148. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
14 through 100, Plaintiff has been caused, and did suffer, and continues to suffer severe and
15 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
16 pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently
17 unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

18 149. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
19 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
20 California Civil Code § 3333 including, but not limited to, loss of earnings and future earning
21 capacity, medical and related expenses for care and procedures both now and in the future,
22 attorneys' fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will
23 seek leave of court to amend when ascertained.

24 150. As a result of the unlawful acts of Defendants and DOES 1 through 100, and each of
25 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
26 specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces
27 important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants
28 refrain from placing others in a false light, thereby conferring a significant benefit on the general

1 public's health and well-being as a result. The necessity and financial burden of this private
2 enforcement, as well as the interest of justice, entitles Plaintiff to reasonable attorneys' fees and
3 costs under California Code of Civil Procedure § 1021.5.

4 151. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

5 **VIII.**

6 **EIGHTH CAUSE OF ACTION**

7 **For Breach of Quasi Contract**

8 **Against All Defendants & DOES 1 Through 100, Inclusive**

9 152. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
10 though duly set forth in full herein.

11 153. Beginning on or about September 4, 2013, Defendants and DOES 1 Through 100 took a
12 picture of Plaintiff and, without his consent or knowledge, posted it to Defendants' website(s)
13 alongside a photograph of popular cartoon character, "Cleveland Brown" with the inappropriate
14 caption, "Tell me this nigga don't look like ... THIS NIGGA!!! O1 cleveland Brown ass lookin
15 @ahhmovie 2 @whatthefunny I'm hurtin!"

16 154. Defendants obtained a benefit from the Plaintiff by fraud, duress, conversion, or similar
17 conduct. Defendant Wayans instructed Plaintiff to stand at a certain spot/angle and, without
18 Plaintiff's consent, took Plaintiff's picture with his camera phone.

19 155. Defendants unjustly gained a benefit from using Plaintiff's name and likeness as the
20 insertion of "@ahhmovie 2" is a direct reference to the movie, Haunted House 2, thereby
21 providing evidence that this post was used for promotional/advertisement purposes.

22 156. Therefore, Defendants were unjustly enriched as they obtained free advertising by using
23 Plaintiff's name, likeness, or identity and failed to compensate Plaintiff for the use of his name
24 and likeness.

25 157. As such, an implied-in-law contract (quasi-contract) existed as a result of Defendants'
26 use of Plaintiff's photograph to advertise their upcoming movie, Haunted House 2.

27 158. Further, the intentional conduct of the Defendants, where Defendants unlawfully posted
28 Plaintiff's picture for purposes of advertisement and promoting their movie, created an implied-

1 in-fact contract (quasi-contract) as Defendants knew Plaintiff would interpret the conduct as an
2 agreement to enter into a contract.

3 159. Plaintiff is entitled to restitution damages due to Defendants' unjust enrichment.

4 160. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
5 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
6 internally and externally, and suffered, among other things, numerous internal injuries, severe
7 fright, shock, pain, discomfort and/or anxiety.

8 161. As a further legal result of the acts and omissions of Defendants and DOES 1 through
9 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
10 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
11 that he will in the future be forced to incur additional expenses of the same nature, all in an
12 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
13 of said expenses at the time of trial.

14 162. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
15 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
16 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
17 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
18 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
19 court to show the total amount of loss of earnings at the time of trial.

20 163. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
21 through 100, and each of them, Plaintiff has been caused, and did suffer, and continues to suffer
22 severe and permanent emotional and mental distress and anguish, humiliation, embarrassment,
23 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is
24 presently unknown to Plaintiff, who will pray leave of court to assert the same when they are
25 ascertained.

26 164. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
27 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
28 California Civil Code §3333 including, but not limited to, loss of earnings and future earning

1 capacity, medical and related expenses for care and procedures both now and in the future,
2 and/or other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court
3 to amend when ascertained.

4 165. As a result of the unlawful acts of Defendants and DOES 1 through 100, and each of
5 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
6 specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces
7 important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants
8 refrains from using another's name and/or likeness without compensation, thereby conferring a
9 significant benefit on the general public's health and well-being as a result. The necessity and
10 financial burden of this private enforcement, as well as the interest of justice, entitles Plaintiff to
11 reasonable attorneys' fees and costs under California Code of Civil Procedure § 1021.5.

12 166. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

13 **IX.**

14 **NINTH CAUSE OF ACTION**

15 **For Unjust Enrichment**

16 **Against All Defendants & DOES 1 Through 100, Inclusive**

17 167. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
18 though duly set forth in full herein.

19 168. Defendants utilized Plaintiff's name and likeness from at least September 4, 2013, and
20 continuing, but have failed to compensate Plaintiff for the use of his name or likeness.

21 169. For example, Defendants took a picture of Plaintiff and, without his consent, posted it to
22 Defendants' website(s) alongside a photograph of popular cartoon character, "Cleveland Brown"
23 with the inappropriate caption, "Tell me this nigga don't look like ... THIS NIGGA!!! OI
24 cleveland Brown ass lookin @ahhmovie 2 @whatthefunny I'm hurtin!"

25 170. Defendant Wayans' insertion of "@ahhmovie 2" is a direct reference to the movie,
26 Haunted House 2, thereby providing evidence that this post was used for
27 promotional/advertisement purposes.
28

1 171. Defendants obtained a benefit from the Plaintiff by fraud, duress, conversion, or similar
2 conduct. Defendant Wayans instructed Plaintiff to stand at a certain spot/angle and, without
3 Plaintiff's consent, took Plaintiff's picture with his camera phone.

4 172. Therefore, Defendants were unjustly enriched as they obtained free advertising by using
5 Plaintiff's name, likeness, or identity and failed to compensate Plaintiff for the use of his name
6 and likeness.

7 173. As such, an implied-in-law contract existed as a result of Defendants' use of Plaintiff's
8 photograph to advertise their upcoming movie, Haunted House 2.

9 174. Further, the intentional conduct of the Defendants, where Defendants unlawfully posted
10 Plaintiff's picture for purposes of advertisement and promoting their movie, created an implied-
11 in-fact contract as Defendants knew Plaintiff would interpret the conduct as an agreement to
12 enter into a contract.

13 175. Defendants therefore were unjustly enriched by this conduct and received free advertising
14 for their upcoming movie, and should be disgorged of the benefits they received as a result.

15 176. Plaintiff is entitled to restitution damages due to Defendants' unjust enrichment.

16 177. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through
17 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both
18 internally and externally, and suffered, among other things, numerous internal injuries, severe
19 fright, shock, pain, discomfort and/or anxiety.

20 178. As a further legal result of the acts and omissions of Defendants and DOES 1 through
21 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for
22 medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges,
23 that he will in the future be forced to incur additional expenses of the same nature, all in an
24 amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount
25 of said expenses at the time of trial.

26 179. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
27 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
28 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or

1 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
2 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
3 court to show the total amount of loss of earnings at the time of trial.

4 180. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
5 through 100, and each of them, Plaintiff has been caused, and did suffer, and continues to suffer
6 severe and permanent emotional and mental distress and anguish, humiliation, embarrassment,
7 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is
8 presently unknown to Plaintiff, who will pray leave of court to assert the same when they are
9 ascertained.

10 181. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
11 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
12 California Civil Code §3333 including, but not limited to, loss of earnings and future earning
13 capacity, medical and related expenses for care and procedures both now and in the future,
14 and/or other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court
15 to amend when ascertained.

16 182. As a result of the unlawful acts of Defendants and DOES 1 through 100, and each of
17 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
18 specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces
19 important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants
20 refrains from using another's name and/or likeness without compensation, thereby conferring a
21 significant benefit on the general public's health and well-being as a result. The necessity and
22 financial burden of this private enforcement, as well as the interest of justice, entitles Plaintiff to
23 reasonable attorneys' fees and costs under California Code of Civil Procedure § 1021.5.

24 183. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

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X.

TENTH CAUSE OF ACTION

For Intentional Infliction of Emotional Distress

Against All Defendants & DOES 1 Through 100, Inclusive

184. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as though duly set forth in full herein.

185. The aforesaid conduct of Defendants, and each of them, was so extreme and outrageous as to exceed all bounds of that usually tolerated in a civilized society, and intended to cause and actually did cause Plaintiff to suffer severe emotional distress.

186. Defendants, and each of them, intended to cause Plaintiff severe emotional distress.

187. Plaintiff did not consent to Defendants' conduct, as herein alleged, and said conduct was unprivileged. Defendants' conduct caused Plaintiff to suffer severe emotional distress.

188. At all times relevant herein, Defendant Wayans was an agent/employee of Defendants EFS, ICM Partners and IM Global, and in doing the acts alleged herein, Defendant Wayans was acting within the course and scope of his employment and/or authority. As such, Defendants EFS, ICM Partners and IM Global is also responsible for Defendant Wayans' unlawful actions.

189. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through 100, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both internally and externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain, discomfort and/or anxiety.

190. As a further legal result of the acts and omissions of Defendants and DOES 1 through 100, and each of them, Plaintiff has been forced and/or will be forced to incur expenses for medical care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges, that he will in the future be forced to incur additional expenses of the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at the time of trial.

191. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and

1 believes, and thereon alleges, that Plaintiff will be fully and/or partially incapacitated and/or
2 unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to
3 Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of
4 court to show the total amount of loss of earnings at the time of trial.

5 192. As a further direct and legal result of the acts and conduct of Defendants and DOES 1
6 through 100, and each of them, Plaintiff has been caused, and did suffer, and continues to suffer
7 severe and permanent emotional and mental distress and anguish, humiliation, embarrassment,
8 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is
9 presently unknown to Plaintiff, who will pray leave of court to assert the same when they are
10 ascertained.

11 193. The aforementioned acts of Defendants and DOES 1 through 100, and each of them, were
12 willful, wanton, malicious, intentional, oppressive and/or despicable and were done in willful
13 and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by
14 managerial agents and employees of Defendants EFS, ICM Partners and IM Global and DOES 1
15 through 100, and with the express knowledge, consent, and ratification of managerial agents and
16 employees of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, thereby
17 justifying the awarding of punitive and exemplary damages against Defendants in an amount to
18 be determined at the time of trial pursuant to California Civil Code § 3294(a) and (b).

19 194. By the aforesaid acts and conduct of Defendants and DOES 1 through 100, and each of
20 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to
21 California Civil Code §3333 including, but not limited to, loss of earnings and future earning
22 capacity, medical and related expenses for care and procedures both now and in the future,
23 and/or other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court
24 to amend when ascertained.

25 195. As a result of the unlawful acts of Defendants and DOES 1 through 100, and each of
26 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as
27 specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces
28 important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants

1 EFS, ICM Partners and IM Global, as an employer, refrains from intentionally inflicting
2 emotional distress onto an employee, thereby conferring a significant benefit on the general
3 public's health and well-being as a result. The necessity and financial burden of this private
4 enforcement, as well as the interest of justice, entitles Plaintiff to reasonable attorneys' fees and
5 costs under California Code of Civil Procedure § 1021.5.

6 196. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

7 **XI.**

8 **ELEVENTH CAUSE OF ACTION**

9 **For Retaliation and Wrongful Termination in Violation of Public Policy**

10 **Against Defendants EFS, ICM Partners and IM Global & DOES 1 Through 100, Only**

11 197. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as
12 though duly set forth in full herein.

13 198. Plaintiff was retaliated against and wrongfully terminated from his employment in or
14 around September 2013, due to his race/national origin, and complaints of Defendants' unlawful
15 conduct.

16 199. At all times herein mentioned, the public policy of the State of California, as codified,
17 expressed and mandated in California Government Code §§ 12920 and 12940 et seq., was to
18 prohibit employers from harassing, discriminating, and retaliating against and/or wrongfully
19 terminating any individual on the grounds of their race/national origin, or opposing said unlawful
20 practices. This public policy of the State of California is designed to protect all employees and to
21 promote the welfare and well-being of the community at large.

22 200. At all times herein mentioned, the public policy of the State of California was to prohibit
23 the intentional infliction of emotional distress to another individual. This public policy of the
24 State of California is designed to protect all employees and to promote the welfare and well-
25 being of the community at large.

26 201. Accordingly, the actions of Defendants EFS, ICM Partners and IM Global and DOES 1
27 through 100, in retaliating and wrongfully terminating Plaintiff on the grounds alleged and
28

1 described herein were wrongful and do not promote the welfare and well-being of the
2 community at large.

3 202. As a direct and legal result of the acts and omissions of Defendants EFS, ICM Partners
4 and IM Global and DOES 1 through 100, Plaintiff was rendered sick, sore, lame, disabled and/or
5 disordered, both internally and externally, and suffered, among other things, numerous internal
6 injuries, severe fright, shock, pain, discomfort and/or anxiety.

7 203. As a further legal result of the acts and omissions of Defendants EFS, ICM Partners and
8 IM Global and DOES 1 through 100, Plaintiff has been forced to incur expenses for medical
9 care, X-rays, and/or laboratory costs, and is informed and believes, and thereon alleges, that he
10 will in the future be forced to incur additional expenses of the same nature, all in an amount
11 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said
12 expenses at the time of trial.

13 204. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since
14 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and
15 believes, and thereon alleges, that Plaintiff will be incapacitated and/or unable to perform
16 Plaintiff's usual work for an indefinite period of time in the future, all to Plaintiff's damage in an
17 amount which is at present unascertained. Plaintiff will pray leave of court to show the total
18 amount of loss of earnings at the time of trial.

19 205. As a further direct and legal result of the acts and conduct of Defendants EFS, ICM
20 Partners and IM Global and DOES 1 through 100, Plaintiff has been caused, and did suffer, and
21 continues to suffer severe and permanent emotional and mental distress and anguish, humiliation,
22 embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of
23 said injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same
24 when they are ascertained.

25 206. The aforementioned acts of Defendants EFS, ICM Partners and IM Global and DOES 1
26 through 100, were willful, wanton, malicious, intentional, oppressive and/or despicable and were
27 done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, and were
28 done by managerial agents and employees of Defendants EFS, ICM Partners and IM Global and

DOES 1 through 100, and with the express knowledge, consent, and ratification of managerial agents and employees of Defendants EFS, ICM Partners and IM Global, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial pursuant to California Civil Code § 3294(a) and (b).

207. By the aforesaid acts and conduct of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, Plaintiff has been directly and legally caused to suffer actual damages pursuant to California Civil Code § 3333 including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, attorneys' fees, and/or other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court to amend when ascertained.

208. As a result of the aforesaid acts of Defendants EFS, ICM Partners and IM Global and DOES 1 through 100, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in California Code of Civil Procedure § 1021.5. Plaintiff's action enforces important rights affecting the public interest by bringing forth this lawsuit to ensure Defendants EFS, ICM Partners and IM Global, as an employer, refrains from retaliating against and wrongfully terminating an employee from his/her employment, thereby conferring a significant benefit on the general public's health and well-being as a result. The necessity and financial burden of this private enforcement, as well as the interest of justice, entitles Plaintiff to reasonable attorneys' fees and costs under Cal. C.C.P. § 1021.5.

209. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

XII.

TWELFTH CAUSE OF ACTION

For Failure to Provide Employee Personnel Files

[California Labor Code §§ 432 and 1198.5]

Against Defendants EFS, ICM Partners, IM Global & DOES 1 Through 100, Only

210. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this Complaint as though duly set forth in full herein.

1 211. Through his counsel, on or about March 28, 2014, Plaintiff sent a written request to all
2 Defendants to receive copies of his employee personnel file and any instrument he signed during
3 his employment with Defendants EFS.

4 212. California Labor Code § 432 declares that if an employee or applicant signs any
5 instrument relating to the obtaining or holding of employment, he shall be given a copy of the
6 instrument upon request.

7 213. Further, California Labor Code § 1198.5(a) declares that every employee has the right to
8 inspect the personnel records that the employer maintains relating to the employee's performance
9 or to any grievance concerning the employee within 30 days of the employer's receipt of such
10 request.

11 214. Beginning on or about March 28, 2014 and continuing at least through August 25, 2014,
12 and continuing, Defendants EFS failed to abide by § 1198.5(a) as it failed to provide Plaintiff
13 with the opportunity to inspect his personnel records within 30 days after they received
14 Plaintiff's request.

15 215. Defendants also failed to abide by § 432 and provide Plaintiff with copies of any
16 instruments he signed.

17 216. Plaintiff's March 28, 2014 letter specifically stated: "Please contact Reisner & King LLP
18 to provide Mr. Daniel with the date, time, and location of where he may inspect his personnel
19 files. Alternatively, Mr. Daniel is willing to accept a copy of his personnel file in lieu of
20 inspection on your premises. . . . Furthermore, if there are copy charges, please send our office a
21 copy of the invoice so we may pay the charges."

22 217. Not having received a response or the requested documents in Plaintiff's March 28, 2014,
23 letter, Plaintiff submitted a second request on or about July 29, 2014.

24 218. As such, Plaintiff is entitled to the remedies and penalties provided by Cal. Labor Code §
25 1198.5(k), which declares:

26 If an employer fails to permit a current or former employee, or his or her
27 representative, to inspect or copy personnel records within the times specified in
28

1 this section, or times agreed to by mutual agreement as provided in this section,
2 the current or former employee or the Labor Commissioner may recover a penalty
of seven hundred fifty dollars (\$750) from the employer.

3 219. Plaintiff is also entitled to costs and attorney's fees for instituting this action pursuant to
4 Cal. Labor Code § 1198.5(l).

5 220. Plaintiff also prays for damages and remedies as this Court deems appropriate.

6 XIII.

7 **THIRTEENTH CAUSE OF ACTION**

8 **For Failure to Provide Wage & Hour Statements**

9 **[California Labor Code § 226 et seq.]**

10 **Against Defendants EFS, ICM Partners, IM Global & DOES 1 Through 100, Only**

11 221. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this
12 Complaint as though duly set forth in full herein.

13 222. Through his counsel, on or about March 28, 2014, Plaintiff sent a written request to all
14 Defendants to inspect his wage and hour statements while employed by Defendants EFS.

15 223. Plaintiff was also willing to accept copies of his statements at his expense.

16 224. At all times herein mentioned, the public policy of the State of California, as codified,
17 expressed and mandated in California Labor Code § 226(b) declares that an employer that is
18 required by this code to keep the information required by subdivision (a) – including the hours
19 worked and wages earned – shall afford current and former employees the right to inspect or
20 copy records pertaining to their employment, upon reasonable request to the employer.

21 225. At all times herein mentioned, the public policy of the State of California, as codified,
22 expressed and mandated in California Labor Code § 226(c) declares that an employer who
23 receives a written or oral request to inspect or copy records pursuant to subdivision (b) pertaining
24 to a current or former employee shall comply with the request as soon as practicable, but no later
25 than 21 calendar days from the date of the request.

1 226. Beginning on or about March 28, 2014, and continuing at least through August 25, 2014,
2 and continuing, Defendants EFS failed to abide by Cal. Labor Code § 226, as it failed to provide
3 Plaintiff with the opportunity to inspect said files within 21 days after he made a written request.

4 227. Plaintiff's March 28, 2014 letter specifically stated: "Please contact Reisner & King LLP
5 to provide Mr. Daniel with the date, time, and location of where he may inspect his personnel
6 files. Alternatively, March 28, 2014 is willing to accept a copy of his personnel file in lieu of
7 inspection on your premises. . . . Furthermore, if there are copy charges, please send our office a
8 copy of the invoice so we may pay the charges."

9 228. Not having received a response or the requested documents in Plaintiff's March 28, 2014,
10 letter, Plaintiff submitted a second request on or about July 29, 2014.

11 229. Defendants failed to abide by Cal. Labor Code § 226, as it failed to allow Plaintiff the
12 opportunity to inspect and/or copy said wage and hour statements.

13 230. As such, Plaintiff is entitled to the remedies and penalties provided by Cal. Labor Code §
14 226(f), which declares:

15 A failure by an employer to permit a current or former employee to inspect or
16 copy records within the time set forth in subdivision (c) entitles the current or
17 former employee or the Labor Commissioner to recover a seven-hundred-fifty-
dollar (\$750) penalty from the employer.

18 231. Plaintiff is also entitled to costs and attorney's fees for instituting this action pursuant to
19 Cal. Labor Code § 226(h).

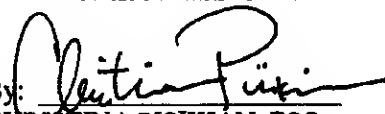
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21 WHEREFORE, PLAINTIFF PIERRE DANIEL prays for judgment against the Defendants, and
22 each of them, as follows:

- 23 1. For general damages in an amount within the jurisdictional limits of this Court;
24 2. For special damages in an amount within the jurisdictional limits of this Court;
25 3. For medical expenses and related items of expense, according to proof;
26 4. For loss of earnings, according to proof;
27 5. For consequential and incidental damages according to proof;
28

- 1 6. For restitution damages;
2 7. For prejudgment interest according to proof;
3 8. For declaratory relief against Defendants EFS, ICM Partners and IM Global;
4 9. For injunctive relief against Defendants EFS, ICM Partners and IM Global;
5 10. For punitive and exemplary damages against Defendants, according to proof, as provided
6 for by California Civil Code § 3294(a) and (b).
7 11. For damages, penalties and reasonable attorneys' fees and costs of suit as provided for by
8 California Government Code § 12965(b);
9 12. For damages, penalties and costs of suit as provided for by California Civil Code § 3333;
10 13. For damages, penalties and reasonable attorneys' fees and costs of suit as provided for by
11 California Civil Code §§ 52 et seq., according to proof;
12 14. For damages, penalties and reasonable attorneys' fees and costs of suit as provided for by
13 California Code of Civil Procedure § 1021.5 et. seq., according to proof;
14 15. For damages, penalties and reasonable attorneys' fees and costs of suit as provided for by
15 California Code of Civil Code § 3344, according to proof;
16 16. For damages, penalties, and/or reasonable attorney's fees, and costs of suit against
17 Defendants EFS as provided for by California Labor Code §§ 1198.5(k), (l);
18 17. For damages, penalties, reasonable attorney's fees, and costs of suit against Defendants
19 EFS, ICM Partners and IM Global as provided for by California Labor Code §§ 226 (f), (h);
20 18. For all penalties against Defendants EFS, ICM Partners and IM Global provided for by
21 Cal. Labor Code § 226.7(c);
22 19. For such other and further relief as the Court may deem just and proper.

23 Dated: August 25, 2014

REISNER & KING LLP

24 By: 
25 CHRISTINA PISKIAN, ESQ.
26 Attorneys for PLAINTIFF
27 PIERRE DANIEL
28

2014-2015

EXHIBIT - A



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TTY 800-700-2320
www.dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR PHYLIS W. CHEN

Jul 28, 2014

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 327472-117683
Right to Sue: Daniel / Todd DOE EFS Entertainment

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

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**In the Matter of the Complaint of
Pierre Daniel, Complainant.**

VS.

Todd DOE EFS Entertainment Respondent.
16027 Ventura Blvd., Suite 506
Encino, California 91436

Complainant alleges:

1. Respondent EFS Entertainment is a Private Employer subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.
2. On or around Jul 28, 2014, complainant alleges that respondent took the following adverse actions against complainant: Discrimination, Harassment, Retaliation Asked impermissible non-job-related questions, Denied a work environment free of discrimination and/or retaliation, Denied employment, Other, Published harassing and discriminatory statements on the internet and social media,. Complainant believes respondent committed these actions because of their: Ancestry, Association with a member of a protected class, Color, Engagement in Protected Activity, Genetic Information or Characteristics, National Origin - including language use restrictions, Race, Other Unruh Civil Rights, Whistleblower, misappropriate of likeness, breach of contract.
3. Complainant Pierre Daniel resides in the City of Sherman Oaks, State of California. If complaint includes co-respondents please see below.

OFF-1003-1

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Co-Respondents:

IM Global, Octane Division
Manager DOE
8201 Beverly Blvd., 5th Floor
Los Angeles California 90048

Marion Wayans
10250 Constellation Blvd., 9th Floor
Los Angeles California 90067

ICM Partners

10250 Constellation Blvd., 9th Floor
Los Angeles California 90067

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Additional Complaint Details:

During my employment and continuing to the present, my employer harassed, discriminated and retaliated against me due to my race and national origin, and for protesting. My employer made demeaning racist comments to me in front of my coworkers, called me names, took my picture and made statements to the public through social media websites which unlawfully referred to me as a Nigga and a look alike to Cleveland Brown. I protested and demanded that these depictions be taken down and removed from websites, but was ignored. These statements continue to be publicized to the present. My employer failed to investigate and take appropriate remedial action.

DFEH-903-1
b

1 VERIFICATION

2 I, Adam Reisner, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing
3 complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters
4 which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On Jul 28, 2014, I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct.

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Sherman Oaks, California
Adam Reisner

08/25/2014

EXHIBIT - B



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDWARD G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TTY 800-700-2320
www.dfeh.ca.gov

DIRECTOR PHYLLIS W. CHENG

Jul 28, 2014

Pierre Daniel

Reisner And King LLP 14724 Ventura Blvd., Suite 1210
Sherman Oaks California 9103

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: 327472-117683

Right to Sue: Daniel / Todd DOE EFS Entertainment

Dear Pierre Daniel,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Jul 28, 2014 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

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STATE OF CALIFORNIA (Business, Consumer Services and Housing Agency)

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLUS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-684-1884 | TTY 800-700-2320
www.dfeh.ca.gov

Enclosures

cc: IM Global, Octane Division Manager DOE

Marlon Wayans

ICM Partners

00872572014

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Adam Reisner, Esq. SBN: 204351 REISNER & KING 14724 Ventura Blvd., Suite 1210, Sherman Oaks, CA 91403 TELEPHONE NO.: (818) 981-0901 FAX NO.: (818) 981-0902 ATTORNEY FOR (Name): Pierre Daniel		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles AUG 25 2014 Sheri R. Carter, Executive Officer/Clerk By: <u>Cristina Grijalva</u> Deputy Cristina Grijalva
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse on Hill St.		
CASE NAME: Daniel v. ICM Partners, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		CASE NUMBER: BC555610 JUDGE: DEPT:
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

BY FAX

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in the federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Fourteen (14)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 25, 2014

Adam Reisner, Esq. _____

(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: Daniel v. ICM Partners, et al.

CASE NUMBER

BC 55 5 61 0

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-to ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

BY FAX

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: Daniel v. ICM Partners, et al.	CASE NUMBER
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Non-Personal Injury/Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2,3.
Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6026 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5. 2, 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5., 6. 2, 5.
Insurance Coverage (16)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 6.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Daniel v. ICM Partners, et al.

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5.
Writ of Mandata (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 6. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 9.
Securities Litigation (29)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6039 Toxic Tort/Environmental	1, 2, 3, 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6180 Abstract of Judgment <input type="checkbox"/> A9107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 9. 2, 6. 2, 9. 2, 9. 2, 9. 2, 8, 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8. 2, 8. 1, 2, 8. 1, 2, 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 6.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A9123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9. 2, 3, 9. 2, 3, 9. 2. 2, 7. 2, 3, 4, 8. 2, 9.

SHORT TITLE: Daniel v. ICM Partners, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 16027 Ventura Blvd.,
CITY: Encino	STATE: CA	ZIP CODE: 91436

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: August 25, 2014


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

ENCLOSURE